

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS

NUANCE COMMUNICATIONS, INC., a
Delaware corporation,

Plaintiff,

vs.

VOICE SIGNAL TECHNOLOGIES, INC., a
Delaware corporation,

Defendant.

Civil Action No. 5062V 7-1

BY M. Kellie
Jury Trial Demanded

COMPLAINT FOR PATENT INFRINGEMENT

For its Complaint, plaintiff Nuance Communications, Inc. ("Nuance") (f/k/a Scansoft, Inc.) avers as follows:

NATURE OF THE ACTION

1. This is an action for patent infringement. Nuance alleges that defendant Voice Signal Technologies, Inc. ("VST") infringes Nuance's United States Patent Nos. 5,850,627, 5,920,836, and 6,092,044 (the "Patents-In-Suit") by making, using, offering for sale and contributing to and/or inducing others to make, use, sell or offer to sell products and services claimed by the Patents-In-Suit.

PARTIES

2. Nuance is a corporation organized and existing under the laws of the State of Delaware and has its principal place of business in Burlington, Massachusetts. Nuance is

engaged in the business of designing, developing and providing speech and imaging products and related services.

3. Nuance is informed and believes that defendant VST is a corporation organized and existing under the laws of the State of Delaware and has its principal place of business in Woburn, Massachusetts.

JURISDICTION AND VENUE

4. This Court has subject matter jurisdiction over this controversy under 28 U.S.C. §§ 1331 and 1338(a).

5. Venue lies within this judicial district pursuant to 28 U.S.C. §§ 1391(b), (c) and 1400(b).

FIRST CLAIM FOR RELIEF (Infringement of the '627 Patent)

6. Nuance is the owner of record of United States Patent No. 5,850,627 ("the '627 Patent") entitled "Apparatuses and Methods for Training and Operating Speech Recognition Systems" with full rights in and to the claims and causes of action involved in this suit. The United States Patent and Trademark Office duly and legally issued the '627 Patent on December 15, 1998. Exhibit A to this complaint is a true and correct copy of the '627 Patent.

7. VST has been and is infringing the '627 Patent by making, using, selling and/or offering for sale in the United States, and by contributing to and/or inducing others to make, use, sell and/or offer for sale in the United States, without license from Nuance, products or services that practice the invention claimed in the '627 Patent. These products or services include, *inter alia*, dictation software implemented on mobile telephones, or methods for using the same.

8. Nuance is informed and believes, and based thereon avers, that VST will continue to infringe, contribute to and/or induce others to infringe, the '627 Patent unless enjoined by this Court.

9. As a direct and proximate result of VST's infringement of the '627 Patent, Nuance has been and continues to be damaged in an amount yet to be determined.

10. By reason of the above acts, VST has caused and is causing, and unless enjoined and restrained by this Court, will continue to cause Nuance great and irreparable injury to among other things, the good will and business reputation of Nuance and its business relationships, all of which cannot be adequately compensated or measured in money. Nuance has no adequate remedy at law. Nuance is entitled to injunctive relief enjoining and restraining VST, its officers, agents, servants, and employees, and all persons acting in concert with VST from further infringement of the '627 Patent.

11. On information and belief, Plaintiff avers that VST's infringement of the '627 Patent is, has been and continues to be committed with full knowledge of Nuance's rights under the '627 Patent, and in willful, wanton and deliberate disregard thereof, rendering this an exceptional case under 35 U.S.C. §285.

SECOND CLAIM FOR RELIEF
(Infringement of the '836 Patent)

12. Nuance, under its former name of Scansoft, Inc. is the owner of record of United States Patent No. 5,920,836 ("the '836 Patent") entitled "Word Recognition System Using Language Context at Current Cursor Position to Affect Recognition Probabilities" with full rights in and to the claims and causes of action involved in this suit. The United States Patent and Trademark Office duly and legally issued the '836 Patent on July 6, 1999. Exhibit B to this complaint is a true and correct copy of the '836 Patent.

13. VST has been and is infringing the '836 Patent by making, using, selling and/or offering for sale in the United States, and by contributing to and/or inducing others to make, use, sell and/or offer for sale in the United States, without license from Nuance, products or services that practice the invention claimed in the '836 Patent. These products or services include, *inter alia*, dictation software implemented on mobile telephones, or methods for using the same.

14. Nuance is informed and believes, and based thereon avers, that VST will continue to infringe, contribute to and/or induce others to infringe, the '836 Patent unless enjoined by this Court.

15. As a direct and proximate result of Defendant's infringement of the '836 Patent, Nuance has been and continues to be damaged in an amount yet to be determined.

16. By reason of the above acts, VST has caused and is causing, and unless enjoined and restrained by this Court, will continue to cause Nuance great and irreparable injury to among other things, the good will and business reputation of Nuance and its business relationships, all of which cannot be adequately compensated or measured in money. Nuance has no adequate remedy at law. Nuance is entitled to injunctive relief enjoining and restraining VST, its officers, agents, servants, and employees, and all persons acting in concert with VST from further infringement of the '836 Patent.

17. On information and belief, Nuance avers that VST's infringement of the '836 Patent is, has been and continues to be committed with full knowledge of Nuance's rights under the '836 Patent, and in willful, wanton and deliberate disregard thereof, rendering this an exceptional case under 35 U.S.C. §285.

THIRD CLAIM FOR RELIEF
(Infringement of the '044 Patent)

18. Nuance is the owner of record of United States Patent No. 6,092,044 ("the '044 Patent") entitled "Pronunciation Generation in Speech Recognition" with full rights in and to the claims and causes of action involved in this suit. The United States Patent and Trademark Office duly and legally issued the '044 Patent on July 18, 2000. Exhibit C to this complaint is a true and correct copy of the '044 Patent.

19. VST has been and is infringing the '044 Patent by making, using, selling and/or offering for sale in the United States, and by contributing to and/or inducing others to make, use, sell and/or offer for sale in the United States, without license from Nuance, products or services that practice the invention claimed in the '044 Patent. These products or services include, *inter alia*, dictation software implemented on mobile telephones, or methods for using the same.

20. Nuance is informed and believes, and based thereon avers, that VST will continue to infringe, contribute to and/or induce others to infringe, the '044 Patent unless enjoined by this Court.

21. As a direct and proximate result of VST's infringement of the '044 Patent, Nuance has been and continues to be damaged in an amount yet to be determined.

22. By reason of the above acts, VST has caused and is causing, and unless enjoined and restrained by this Court, will continue to cause Nuance great and irreparable injury to among other things, the good will and business reputation of Nuance and its business relationships, all of which cannot be adequately compensated or measured in money. Nuance has no adequate remedy at law. Nuance is entitled to injunctive relief enjoining and restraining VST, its officers, agents, servants, and employees, and all persons acting in concert with VST from further infringement of the '044 Patent.

23. On information and belief, Nuance avers that VST's infringement of the '044 Patent is, has been and continues to be committed with full knowledge of Nuance's rights under the '044 Patent, and in willful, wanton and deliberate disregard thereof, rendering this an exceptional case under 35 U.S.C. §285.

PRAYER FOR RELIEF

WHEREFORE, plaintiff Nuance Communications, Inc. prays for judgment against VST as follows:

- (1) Preliminarily and permanently enjoining VST, its officers, agents, servants, and employees, and all persons acting in concert with VST, from infringing and contributing to and/or inducing others to infringe U.S. Patent Nos. 5,850,627, 5,920,836, and 6,092,044;
- (2) Awarding Nuance damages based on VST's infringement of U.S. Patent Nos. 5,850,627, 5,920,836, and 6,092,044, and trebling same by reason of the willful, wanton and deliberate nature of such infringement;
- (3) Assessing prejudgment interest on damages;
- (4) Declaring that this is an exceptional case under 35 U.S.C. § 285 and awarding Plaintiffs their attorney's fees and costs in this action; and
- (5) Awarding such other and further relief as the Court deems just and equitable.

Respectfully submitted,



Lance Lee (No. 24004762)
Young Pickett & Lee
4122 Texas Boulevard
P.O. Box 1897
Texarkana, TX 75504

Telephone: (903) 794-1303
Facsimile: (903) 794-5098

Attorneys for Plaintiff Nuance Communications,
Inc.

OF COUNSEL:

Mark A. Samuels (S.B. #107026)
Mark C. Scarsi (S.B. #183926)
Jeffrey A. Fehervari (S.B. #181124)
O'Melveny & Myers LLP
400 South Hope Street
Los Angeles, California 90071-2899
Telephone: (213) 430-6000
Facsimile: (213) 430-6407

Dated: March 21, 2006

DEMAND FOR JURY TRIAL

Plaintiff Nuance Communications, Inc. hereby demands trial by jury of all issues so triable under the law.

Respectfully submitted,



Lance Lee (No. 24004762)
Young Pickett & Lee
4122 Texas Boulevard
P.O. Box 1897
Texarkana, TX 75504
Telephone: (903) 794-1303
Facsimile: (903) 794-5098

Attorneys for Plaintiff Nuance Communications,
Inc.

OF COUNSEL:

Mark A. Samuels (S.B. #107026)
Mark C. Scarsi (S.B. #183926)
Jeffrey A. Fehervari (S.B. #181124)
O'Melveny & Myers LLP
400 South Hope Street
Los Angeles, California 90071-2899
Telephone: (213) 430-6000
Facsimile: (213) 430-6407

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